

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHNNY CHAPARRO,	:	
	:	
	:	
Petitioner,	:	Civ. No. 20-5272 (NLH)
	:	
v.	:	MEMORANDUM OPINION & ORDER
	:	
	:	
DAVID ORTIZ,	:	
	:	
	:	
Respondent.	:	

APPEARANCE:

Johnny Chaparro
45304-424
Unit 5752
Fort Dix Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Petitioner Pro se

HILLMAN, District Judge

WHEREAS, Petitioner Johnny Chaparro filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking relief under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, § 12003(b)(2) (2020), ("CARES Act"), see ECF No. 1 (petition); and

WHEREAS, the Court administratively terminated the petition on May 4, 2020 because Petitioner did not pay the filing fee or submit an application to proceed in forma pauperis, see ECF No. 2; and

WHEREAS, Petitioner submitted an amended petition, this time seeking compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) as modified by the First Step Act of 2018, ECF No. 5; and

WHEREAS, this Court does not have jurisdiction to consider Petitioner's First Step arguments because such motions must be filed before the sentencing court, United States v. Raia, 954 F.3d 594, 595 (3d Cir. 2020) (citing 18 U.S.C. § 3582(c)).

Petitioner was not sentenced in the District of New Jersey; and

WHEREAS, the Court has not received the filing fee or an application to proceed in forma pauperis,

THEREFORE, IT IS on this 21st day of May, 2020

ORDERED that Petitioner is advised that the Court lacks jurisdiction over his request for compassionate release pursuant to the First Step Act, ECF No. 5. Petitioner must refile the request in his criminal case before the original sentencing judge; and it is further

ORDERED that the Court will continue to consider the CARES Act claim as stated in ECF No. 1 upon submission of the filing fee or in forma pauperis application; and it is further

ORDERED that the Clerk shall reopen this case upon receipt of the filing fee or in forma pauperis application; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.